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New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Board of Nursing
124 Halsey Street, 6th Floor, Newark, NJ 07102
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June 15, 2015

VIA REGULAR AND CERTIFIED MAIL

Ashley A Banks, C.H.H.A.
9 Liberty Place
Jackson, NJ 08527

RE: I/M/O Ashley A Banks, C.H.H.A.
Final Order of Discipline

Dear Ms. Ashley A Banks:

Enclosed please find a copy of the Final Order of Discipline ("FOD") filed with the New Jersey State Board of Nursing ("Board") in the above referenced matter. Please read this Order carefully, as you may be subject to additional discipline if you do not comply with the terms of the Order. You can obtain information about the status of your certification by calling the Board office at (973) 504-6430.

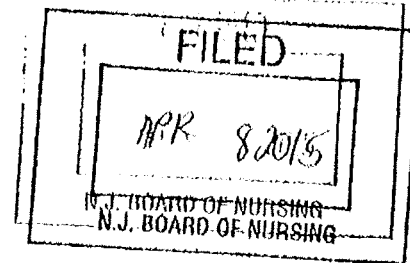
Sincerely yours,

George Herbert, Executive Director,
State Board of Nursing

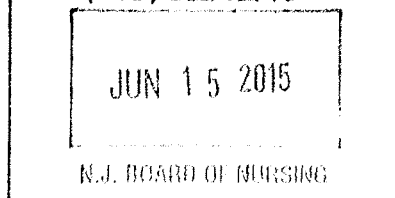
Encl.

cc: Shirley Dickstein, DAG

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ADMINISTRATIVE ACTION

Ashley A. Banks, C.H.H.A.
Certificate No. 26NH13652800

PROVISIONAL ORDER OF
DISCIPLINE

X FINAL ORDER OF DISCIPLINE
(Finalized by default
on June 15, 2015/06/15/15)

HOMEMAKER-HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ashley A. Banks ("Respondent") is a certified homemaker-home health aide in the State of New Jersey whose license was suspended pursuant to a Final Order of Discipline filed on

August 29, 2014 by the Board as a result of Respondent's failure to cooperate with a Board investigation. (Exhibit A).

2. The Board received a flagging notice advising that Respondent was arrested on February 20, 2013, by Jackson Township Police Department for one count of violation of N.J.S.A. 2C:35-10A Possession of Controlled Dangerous Substance Or Analog. On August 19, 2014, Respondent was found guilty in Ocean County Superior Court of one count of violation of 2C:35-10A (4) Possession Of Marijuana/Hash Under and was assessed \$175.00.

3. The Board received a flagging notice advising that Respondent was arrested on October 18, 2013, by Brick Township Police Department for one count of violation of N.J.S.A. 2C:35-10A (1) Possession of Controlled Dangerous Substance Or Analog, one count of violation of N.J.S.A. 2C:35-10A (4) Possession Of Marijuana/Hash Under, and one count of violation of N.J.S.A. 2C:36-2 Possession of Drug Paraphernalia. On August 19, 2014, Respondent was found guilty in Ocean County Superior Court of one count of violation of 2C:35-10A (4) Possession Of Marijuana/Hash Under and was assessed \$675.00.

CONCLUSIONS OF LAW

Respondent's convictions demonstrate that Respondent has engaged in acts constituting crimes which relate adversely to

the practice of nursing in violation of N.J.S.A. 45:1-21(f),
subjecting Respondent to disciplinary action.

ACCORDINGLY, IT IS on this 8th day of April, 2015,
ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent's certificate to practice as a homemaker-home health aide shall be suspended for a minimum period of five (5) years from the date of the filing of a FINAL ORDER OF DISCIPLINE.
2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall promptly, within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker home health aide to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.
3. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall immediately cease and desist from holding herself out as a certified homemaker-home health aide and/or practicing as a homemaker-home health aide, which includes, but is not limited to, performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed professional nurse. Any practice in this State shall constitute grounds for a charge of unlicensed practice.
4. Prior to any application for reinstatement of her certification, Respondent shall appear before the Board or a Committee thereof and:

- a. Provide the Board with evidence that she is capable of discharging the functions of a certificate holder in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect her practice.
- b. Provide the Board with an in-depth, current evaluation from a licensed clinical alcohol and drug counselor or psychiatrist or psychologist knowledgeable in addiction therapy who is aware of the circumstances of Respondent's convictions and this Provisional Order of Discipline and who has been pre-approved by the Board. Respondent shall provide documentation that she has complied with all recommendations of the licensed clinical alcohol and drug counselor or psychiatrist or psychologist.
- c. Affirmatively establish her fitness, competence and capacity to re-enter the active practice as a certified homemaker-home health aide within New Jersey.

5. If Respondent's certification as a homemaker-home health aide is reinstated, the Board, in its discretion, may impose any conditions or restrictions on certification it deems necessary to protect the public health, safety and welfare.

6. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry here of unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

7. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.


9. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of

this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

10. Any violation of this order by Respondent shall constitute grounds for such proceedings as are permitted by law.

NEW JERSEY STATE BOARD OF NURSING

By:

 Patricia Murphy, PhD., APN, FAAN
Patricia Murphy, PhD., APN, FAAN
President